

5/015/0093
cc: Wayne



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Green River District, Price Field Office

125 South 600 West

Price, UT 84501

Phone: (435) 636-3600 Fax: (435) 636-3657

<http://www.blm.gov/ut/st/en/fo/price.html>



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NOV 09 2010

DIV. OF OIL, GAS & MINING

NOV 8 2010

IN REPLY REFER TO:
3809/3602 (UTG020)
UTU-79570

CERTIFIED MAIL-7009-2820-0000-6208-9883
RETURN RECEIPT REQUESTED

DECISION

Jerome L. Bown, President
Bown Stone Products, Inc.
P.O. Box 27
Manti, Utah 84642

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Surface Management:
Failure to follow signed
Escrow Agreement

Suspension Order

Bown Stone Products Inc., Desert Sienna Quarry (DSQ) is ordered to suspend operations under Plan of Operations UTU-79570 in Emery County, Utah. This Suspension Order is issued due to your failure to comply with the Non-compliance Order issued by this office on October 7, 2010.

A field inspection of the project area on November 3, 2010 showed that Bown Stone Products is still engaged in mining without providing the necessary escrow documentation. Bown Stone Products was issued a Non-compliance Order on October 7, 2010 with instructions on how to correct the non-compliance. Bown Stone Products has failed to follow the Non-compliance Order as evidenced by the field inspection and subsequent file review.

Therefore, in accordance with the authority at 43 CFR 3809.601(b), Bown Stone Products is ordered to immediately cease surface disturbing activity, including all excavation and waste rock placement, until it complies with the October 7, 2010 Non-compliance Order and is told by the Bureau of Land Management (BLM) that operations may proceed.

Quoting the October 7, 2010 Non-compliance Order; paragraph F, part 4 of the Escrow Agreement:

- F. The Claimant and BLM have agreed to enter into this stipulation agreement to protect their interests while allowing operations to continue

pending the outcome of a mineral examination report and any administrative proceedings. Now, therefore, the Claimant and the BLM, by and through their respective authorized representatives, hereby stipulate as follows:

4. Once the Escrow has been established, **the claimant shall prepare and deliver to the BLM Price Field Office, on a monthly basis, a report as to the quantity of sandstone excavated and removed from the Subject Lands during the preceding month.** The report shall be in a format prescribed by the BLM and shall be submitted no later than the 15th day following the end of the month for which the Claimant is reporting. The Claimant shall maintain and preserve records, maps, and surveys related to production, verification, and valuation as directed by the BLM. Photocopies of scale receipts need to be attached to each month's summaries submitted to the Price Field Office.

Based on our field inspection and file review, the Bown Stone Products, Inc.'s mining activity is now in non-compliance and is in violation of their Escrow Agreement. Under authority of 43 CFR 3809.601(a) Bown Stone Products, Inc. is ordered to submit production records and escrow receipts for the months commencing with August 2009 and ending October 31, 2010.

If you do not comply with this order, the Department of the Interior may request that the United States Attorney institute a civil action in United States District Court for an injunction or order to enforce this order to prevent you from conducting operation on the public lands in violation of the subpart, and collect damages resulting from unlawful acts [See 3809.604]. Additionally, if you fail to adhere to the terms of this order, you may face arrest and trial under section 303(a) of the Federal Land Policy Management Act (43 U.S.C. 1733(a)). If convicted, you will be subject to a fine of not more than \$100,000 or the alternate fine provided for in the applicable provisions of 18 W.S.C. 3571, or imprisonment not to exceed 12 months, or both, for each offense [See 3809.700].

Appeal of the Decision

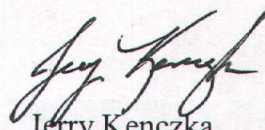
If you do not agree, and are adversely affected by this decision, you may request that the Utah BLM State Director review this decision. If you request a State Director Review, the request must be received in the Utah BLM State Office (P.O. Box 45155, Salt Lake City, Utah 84145-0155), no later than 30 calendar days after you receive or have been notified of this decision. The request for State Director Review must be filed in accordance with the provisions in 43 CFR 3809.805. This decision will remain in effect while the State Director Review is pending, unless a stay is granted by the State Director. If you request a stay, you have the burden of proof to demonstrate that the stay should be granted.

If the State Director does not make a decision on your request for review of the decision within 21 days of their receipt of the request, you should consider the request declined and you may appeal this decision to the Interior Board of Land Appeals (IBLA). You may contact the BLM State Office to determine when BLM received the request for State Director Review. You have

30 days from the end of the 21-day period in which to file your Notice of Appeal with this office (125 South 600 West, Price, Utah 84501), which we will forward to IBLA.

If you wish to bypass a State Director Review, this decision may be appealed directly to the IBLA in accordance with the regulations at 43 CFR 3809.801(a)(1). Your Notice of Appeal must be filed in this office (125 South 600 West, Price, Utah 84501) within 30 days from receipt of this decision. As the appellant, you have the burden of showing that the decision appealed from is in error. Enclosed is BLM Form 1842-1 that contains information on taking appeals to IBLA. If you have any question, please call Chris Conrad at 435-636-3667.

Sincerely,



Jerry Kenczka
Field Manager

Enclosure:

1. Form 1842-1, Information on Taking Appeals to the Interior Board of Appeals

cc: Terry Snyder, UTSO (UT923)
Stan Perkes, UTSO (UT923)

Michael Jackson, RFO

Wayne Western
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